

Remarks

The Advisory Action and Notice of Non-compliant Amendment mailed on July 22, 2010 have been reviewed carefully and the application amended in a sincere effort to place the application in condition for allowance. Accordingly, reconsideration of the claims, and allowance of the same, are respectfully requested on the basis of the following remarks.

Upon entry of this Amendment, Claims 1, 3-9, 11, 14-16, and 20-22 will be pending in the application. Claims 2, 10, 12-13, and 17-19 have been cancelled. New claim 22 has been added to the application.

New claim 22 is identical to Claim 1 except that the surfactant in the composition is limited to a poly(dimethylsiloxane)-polyoxyethylene surfactant. It is within the Applicants right to present a claim that is narrower than what is disclosed in the application as filed. Accordingly, the Applicants submit that no issue of new matter is presented by this claim and that the claim is fully supported by the specification of the present application.

Rejection of Claims 1, 3-7, 11, 15-16, and 18-21 under 35 U.S.C. 112

The Examiner has rejected Claims 1, 3-7, 11, 15-16, and 18-21 under 35 U.S.C. 112, first paragraph, for allegedly failing to comply with the written description requirement.

Claim 19 has been cancelled. Accordingly, the rejection of this claim is now moot.

Support for Claim 20 is clearly derived from paragraph [0051] of the application as published (U.S. Patent Publication No. 2004/0171784A1).

Support for Claim 21 is clearly derived from paragraph [0053] of the application as published (U.S. Patent Publication No. 2004/0171784A1).

Rejection of Claims 1, 3-7, 9, 11, 13-16, and 18-21 under 35 U.S.C. 103(a)

The Examiner has rejected Claims 1, 3-7, 9, 11, 13-16, and 18-21 under 35 U.S.C. 103(a) for allegedly being unpatentable over U.S. Pat. No. 5,389,696 (hereinafter, "Dempsey") in view of U.S. Pat. No. 5,500,176 (hereinafter, "Parks") or U.S. Pat. Nos. 5,670,553 (hereinafter, "Mackey I") or 5,993,528 (hereinafter, "Mackey II") and further in view of U.S. Pat. Nos. 5,852,107 (hereinafter, "Gillis I") and 5,916,939 (hereinafter, "Gillis II").

Mackey II and Gillis II:

The Applicants submit that Mackey II and Gillis II cannot be used against the present application pursuant to 35 U.S.C. 103(c). The present application, which is assigned to Huntsman International LLC, is a continuation-in-part of U.S. Patent Application No. 09/954,311, which was assigned to Huntsman International LLC and which was filed on September 13, 2001 (see Exhibit A). U.S. Patent Application No. 09/954,311 is a national phase application of PCT Application No. PCT/US00/05768, which was filed on March 3, 2000 and which claimed priority to U.S. Provisional Patent Application No. 60/124,456. The provisional application, which was originally assigned to Imperial Chemical Industries PLC, was later assigned to Huntsman International LLC on June 27, 2000 (see Exhibit B). Both Mackey II and Gillis II were assigned from Imperial Chemical Industries PLC to Huntsman ICI Chemicals LLC on March 2, 2000 (see Exhibit C and Exhibit D, respectively). In December of 2000, Huntsman ICI Chemicals changed its corporate name to Huntsman International LLC (see Exhibit E).

Because Mackey II and Gillis II were, at the time the present invention was made, owned by the same entity, and have publication dates after that of the priority document of the present invention, the Applicants submit that these references cannot be used in a 103(a) rejection against the present application.

Dempsey, Parks, Mackey I, and Mackey II:

With respect to these rejections, the Applicants incorporate their arguments that were presented in the response dated July 14, 2010 in their entirety herein. Despite these arguments, the Examiner still maintains the following:

"...the skilled artisan would have reasonably expected release characteristics to some extent be based on quantity or concentration of siloxane surfactant utilized. One would expect that greater concentration of surfactant in the polymer would result in greater concentration of the surfactant in the polymer at the mold/polymer interface, thereby affecting mold release" (see page 2 of the Advisory Action).

Again, the Applicants would like to stress that the examples that were presented in the Applicants' arguments that were presented in the Response dated July 14, 2010 were provided in order to show that there is no nexus between mold release and the amount of surfactant utilized. If the references show no nexus between mold release and the amount of surfactant used, then it would be reasonable for one to argue that one skilled in the art would have no rationale to combined the references in a manner as proposed by the Examiner since the references did not recognize the surfactant as a result-effective variable.

Accordingly, the Applicants again submit that there is no rationale for one skilled in the art to combine the references as proposed by the Examiner since the references fail to disclose and/or suggest any type of nexus between mold release and the amount of surfactant used. This argument is supported by the various concessions by the Examiner's:

"...the argued examples neither establish nor disprove a nexus between mold release and amount of surfactant utilized" (see page 2 of the Advisory Action).

"there is no way to establish the relationship between the number of releases and the quantity of surfactant used" (see page 2 of the Advisory Action).

"In other words, there is nothing on the record to indicate that the number of releases is not based on some other variable" (see page 2 of the Advisory Action).

"Definitive conclusions pertaining to the relationship between number of releases and quantity of surfactant would have to be derived from examples where all factors are held constant save for the quantity of surfactant" (see page 2 of the Advisory Action).

All of these statements support the Applicants contention that none of the references recognized the surfactants disclosed therein as a result-effective variable.

Each surfactant, as the Examiner admitted, is one variable in a number of variables. Therefore, upon reviewing the references, one skilled in the art would have no rationale to make the modifications as suggested by the Examiner since the references failed to recognize the surfactants as result-effective variables.

Because there is no rationale to combine the references as proposed by the Examiner, the Applicants submit that a *prima facie* case of obviousness has not been properly presented and respectfully request that the rejection of these claims be withdrawn.

Conclusion

In light of the foregoing arguments, it is respectfully submitted that Claims 1, 3-9, 11, 14-16, and 20-22 are in proper form for issuance of a Notice of Allowance and such action is respectfully requested at an early date.

Respectfully Submitted,



Robert A. Diaz
Attorney for Applicants
Reg. No. 55,109

Telephone No.: 281-719-4507
Facsimile No.: 281-719-4045

Huntsman International LLC
10003 Woodloch Forest Drive
The Woodlands, TX 77380



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Exhibit A

Assignments on the Web > Patent Query

Patent Assignment Abstract of Title

NOTE: Results display only for issued patents and published applications.
For pending or abandoned applications please consult USPTO staff.

Total Assignments: 2

Patent #: NONE

Issue Dt:

Application #: 09954311

Filing Dt: 09/13/2001

Publication #: 20020077398

Pub Dt: 06/20/2002

Inventors: Trent A. Shidaker, David W. Bareis

Title: Internal mold release compositions

Assignment: 1

Reel/Frame: 015334/0554

Recorded: 08/21/2003

Pages: 186

Conveyance: SECURITY INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: HUNTSMAN INTERNATIONAL LLC

Exec Dt: 07/23/2003

Assignee: DEUTSCHE BANK TRUST COMPANY AMERICAS, AS AGENT

31 WEST 52ND ST
NY, NEW YORK 10019

Correspondent: WINSTON & STRAWN LLP

LAURA KONRATH
35 W. WACKER DR.
CHICAGO, IL 60601

Assignment: 2

Reel/Frame: 014833/0277

Recorded: 12/29/2003

Pages: 6

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: SHIDAKER, TRENT A.

Exec Dt: 12/16/2003

BAREIS, DAVID W.

Exec Dt: 12/16/2003

Assignee: HUNTSMAN INTERNATIONAL LLC

500 HUNTSMAN WAY
SALT LAKE CITY, UTAH 84108

Correspondent: HUNTSMAN POLYURETHANES

PATENT COUNSEL
286 MANTUA GROVE ROAD
WEST DEPTFORD, NJ 08066-1732

Search Results as of: 07/12/2010 05:16 PM
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Web interface last modified: October 18, 2008 v.2.0.2

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cc: J. Westard
7-7-00

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

JUNE 27, 2000

PTAS

HUNTSMAN CORPORATION
RUSSELL R. STOLLE
P.O. BOX 15730
AUSTIN, TX 78761



101330095A

Exhibit B

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/02/2000

REEL/FRAME: 010731/0327
NUMBER OF PAGES: 10

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

IMPERIAL CHEMICAL INDUSTRIES PLC

DOC DATE: 06/30/1999

ASSIGNEE:

HUNTSMAN ICI CHEMICALS LLC
500 HUNTSMAN WAY
SALT LAKE CITY, UTAH 84108

SERIAL NUMBER: 07914228
PATENT NUMBER:

FILING DATE: 07/13/1992
ISSUE DATE:

SERIAL NUMBER: 07760191
PATENT NUMBER:

FILING DATE: 09/16/1991
ISSUE DATE:

SERIAL NUMBER: 07992279
PATENT NUMBER:

FILING DATE: 12/16/1992
ISSUE DATE:

SERIAL NUMBER: 08678391
PATENT NUMBER:

FILING DATE: 07/02/1996
ISSUE DATE:

PATENT & LICENSING DEPT.
AUSTIN

JUL 05 2000

☐ RRS ☐ CJW ☐ MCW
☐ RDB ☐ AGT

SERIAL NUMBER: 60104547
PATENT NUMBER:

FILING DATE: 10/16/1998
ISSUE DATE:

SERIAL NUMBER: 60108611
PATENT NUMBER:

FILING DATE: 11/16/1998
ISSUE DATE:

SERIAL NUMBER: 60108612
PATENT NUMBER:

FILING DATE: 11/16/1998
ISSUE DATE:

SERIAL NUMBER: 60121292
PATENT NUMBER:

FILING DATE: 02/23/1999
ISSUE DATE:

→ SERIAL NUMBER: 60124456
PATENT NUMBER:

FILING DATE: 03/15/1999 ←
ISSUE DATE:

SERIAL NUMBER: 60129407
PATENT NUMBER:

FILING DATE: 04/15/1999
ISSUE DATE:

SERIAL NUMBER: 60117410
PATENT NUMBER:

FILING DATE: 01/27/1999
ISSUE DATE:

SERIAL NUMBER: 60117417
PATENT NUMBER:

FILING DATE: 01/27/1999
ISSUE DATE:

SERIAL NUMBER: 60117411
PATENT NUMBER:

FILING DATE: 01/27/1999
ISSUE DATE:

SERIAL NUMBER: 06100877
PATENT NUMBER: 4448938

FILING DATE: 12/06/1979
ISSUE DATE: 05/15/1984

SERIAL NUMBER: 06139676
PATENT NUMBER: 4292363

FILING DATE: 04/14/1980
ISSUE DATE: 09/29/1981

SERIAL NUMBER: 06141928
PATENT NUMBER: 4318761

FILING DATE: 04/21/1980
ISSUE DATE: 03/09/1982

SERIAL NUMBER: 06289731
PATENT NUMBER: 4396673

FILING DATE: 08/03/1981
ISSUE DATE: 08/02/1983

SERIAL NUMBER: 06341177
PATENT NUMBER: 4431455

FILING DATE: 01/20/1982
ISSUE DATE: 02/14/1984

SERIAL NUMBER: 06400222
PATENT NUMBER: 4452923

FILING DATE: 07/20/1982
ISSUE DATE: 06/05/1984

SERIAL NUMBER: 06880729
PATENT NUMBER: 4784904

FILING DATE: 07/01/1986
ISSUE DATE: 11/15/1988

SERIAL NUMBER: 07016888
PATENT NUMBER: 4771025

FILING DATE: 12/18/1986
ISSUE DATE: 09/13/1988

SERIAL NUMBER: 07236282
PATENT NUMBER: 4885348

FILING DATE: 08/19/1988
ISSUE DATE: 12/05/1989



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Exhibit C

Patent Assignment Abstract of Title

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Total Assignments: 4

Patent #: 5993528

Issue Dt: 11/30/1999

Application #: 08859358

Filing Dt: 05/20/1997

Inventor: PAUL WILLIAM MACKEY

Title: INTERNAL MOLD RELEASE COMPOSITIONS

Assignment: 1

Reel/Frame: 008778/0529

Recorded: 10/27/1997

Pages: 4

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: MACKEY, PAUL WILLIAM

Exec Dt: 09/15/1997

Assignee: IMPERIAL CHEMICAL INDUSTRIES PLC
IMPERIAL CHEMICAL HOUSE, MILLBANK
LONDON SW1P 3JF, UNITED KINGDOMCorrespondent: ICI AMERICAS INC., JOHN F. DANIELS
PATENT AND TRADEMARK ADMINISTRATOR
CONCORD PLAZA
3411 SILVERSIDE ROAD/ P.O. BOX 15391
WILMINGTON, DE 19850

Assignment: 2

Reel/Frame: 010731/0327

Recorded: 03/02/2000

Pages: 10

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: IMPERIAL CHEMICAL INDUSTRIES PLC

Exec Dt: 06/30/1999

Assignee: HUNTSMAN ICI CHEMICALS LLC
500 HUNTSMAN WAY
SALT LAKE CITY, UTAH 84108Correspondent: HUNTSMAN CORPORATION
RUSSELL R. STOLLE
P.O. BOX 15730
AUSTIN, TX 78761

Assignment: 3

Reel/Frame: 015334/0554

Recorded: 08/21/2003

Pages: 186

Conveyance: SECURITY INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: HUNTSMAN INTERNATIONAL LLC

Exec Dt: 07/23/2003

Assignee: DEUTSCHE BANK TRUST COMPANY AMERICAS, AS AGENT
31 WEST 52ND ST
NY, NEW YORK 10019Correspondent: WINSTON & STRAWN LLP
LAURA KONRATH
35 W. WACKER DR.
CHICAGO, IL 60601

Assignment: 4

Reel/Frame: 021158/0479

Recorded: 11/21/2005

Pages: 46

Conveyance: SECURITY INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: HUNTSMAN INTERNATIONAL LLC

Exec Dt: 08/16/2005

Assignee: DEUTSCHE BANK AG NEW YORK BRANCH, AS AGENT

31 W. 52ND ST.

NEW YORK, NEW YORK 10022

Correspondent: LAURA KONRATH

WINSTON & STRAWN LLP

35 W. WACKER DR.

33RD FLOOR

CHICAGO, IL 60601

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Exhibit D

Patent Assignment Abstract of Title

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Total Assignments: 2

Patent #: 5916939

Issue Dt: 06/29/1999

Application #: 08375883

Filing Dt: 01/20/1995

Inventors: HERBERT R. GILLIS, PAUL W. MACKEY

Title: INTERNAL MOLD RELEASE COMPOSITIONS

Assignment: 1

Reel/Frame: 007412/007Z

Recorded: 03/24/1995

Pages: 5

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignors: GILLIS, HERBERT RUSSELL

Exec Dt: 02/28/1995

MACKEY, PAUL WILLIAM

Exec Dt: 02/27/1995

Assignee: IMPERIAL CHEMICAL INDUSTRIES PLC

IMPERIAL CHEMICAL HOUSE, MILLBANK LONDON SW1P 3JF, ENGLAND

Correspondent: ICI AMERICAS INC. - MICHAEL R. NAGY

LAW DEPARTMENT

CONCORD PLAZA, 3411 SILVERSIDE ROAD

POST OFFICE BOX 15391

WILMINGTON, DE 19850

Assignment: 2

Reel/Frame: 010731/032Z

Recorded: 03/02/2000

Pages: 10

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: IMPERIAL CHEMICAL INDUSTRIES PLC

Exec Dt: 06/30/1999

Assignee: HUNTSMAN ICI CHEMICALS LLC

500 HUNTSMAN WAY

SALT LAKE CITY, UTAH 84108

Correspondent: HUNTSMAN CORPORATION

RUSSELL R. STOLLE

P.O. BOX 15730

AUSTIN, TX 78761

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CERTIFICATE OF AMENDMENT

Exhibit E

TO

CERTIFICATE OF FORMATION

OF

HUNTSMAN ICI CHEMICALS LLC

Pursuant to Section 18-202 of the
Delaware Limited Liability Company Act

1. The name of the limited liability company is Huntsman ICI Chemicals LLC (the "Company").

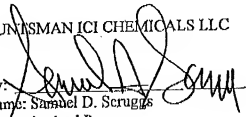
2. The Certificate of Formation is hereby amended to change the name of the Company to Huntsman International LLC.

3. Accordingly, Article 1 of the Certificate of Formation shall, as amended, read as follows:

"1. The name of the limited liability company is
Huntsman International LLC."

IN WITNESS WHEREOF, the undersigned authorized person has executed this
Certificate of Amendment this 7th day of December, 2000.

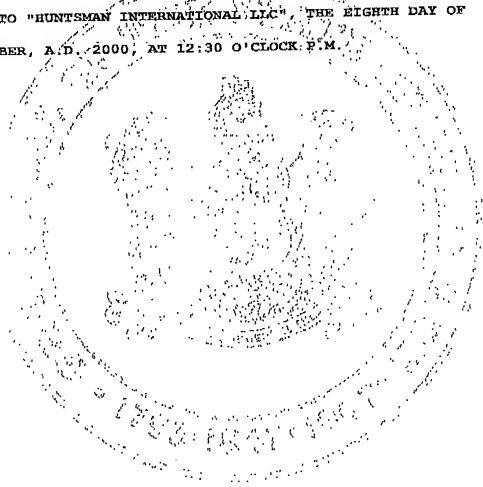
HUNTSMAN ICI CHEMICALS LLC

By: 
Name: Samuel D. Scruggs
Its: Authorized Person

State of Delaware
Office of the Secretary of State

PAGE 1

I, EDWARD J. FREEL, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THAT THE SAID "HUNTSMAN ICI CHEMICALS LLC", FILED A CERTIFICATE OF AMENDMENT, CHANGING ITS NAME TO "HUNTSMAN INTERNATIONAL LLC", THE EIGHTH DAY OF DECEMBER, A.D. 2000, AT 12:30 O'CLOCK P.M.



Edward J. Freel
Edward J. Freel, Secretary of State